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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,150	12/07/1999	JOHN L. BEEZER	3797.84615	6044

28319 7590 06/18/2003

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EXAMINER

BIENEMAN, CHARLES A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,150

Applicant(s)

BEEZER ET AL.

Examiner

Charles A. Bieneman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed on May 22, 2003.
2. Claims 1-32 are pending. Claims 1, 12, 23, and 32 are independent claims.

Claim Objections

3. **Claims 4 and 6** are objected to because of the following informalities: in line 2 of each of these claims “comprise” should be “comprises”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 1-32** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Specification does not use, much less define, the term “readability formatting values”, nor is that term known in the art so as to enable one skilled in the art to make and use “readability formatting values”. The examiner has considered applicants’ assertion on page 10 of their Remarks filed with their Amendment on May 22, 2003 (hereinafter “Remarks”) that readability formatting values are taught in Table 8 (the examiner assumes that applicants’ meant to refer to Table 2) on page 8 of the specification. Tables 2 and 3 purport to show exemplary values for formatting variables (see Specification, page 7, lines 18-25; page 8, lines 10-12). Thus, the recitation of “formatting

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values” in the original claims was supported by the Specification. However, the Specification does not disclose that these values are defined to be “readability formatting values” as recited in the amended claims.

6. **Claims 1-32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims recites, or depends from a claim that recites, “readability formatting values”. This limitation lacks antecedent basis because it is unclear which of the formatting values disclosed in the specification are “readability formatting values”.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-3, 7-8, 12-13, 15, 19, 23-24, 26, 28, and 32** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,144,974 to Gartland, issued November 7, 2000, filed December 13, 1996. With respect to the rejection of each dependent claim below, the preceding rejection(s) of the relevant base claim(s) is incorporated therein.

Regarding **independent claim 1**, Gartland teaches a method for formatting a document for presentation on a display of a computer-based device wherein the document format is controlled by a plurality of formatting variables inasmuch as Gartland discloses a display and further recites “a method for positioning a content object on a page of an electronic document, the page having a page framework”. (Gartland, col. 10, lines 11-12, 37-38.)

Further, Gartland discloses receiving user data specifying a value for at least one user-modifiable formatting variable of the plurality of formatting variables. (Gartland, col. 3, lines

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57-63: “[I]n a process of automatically adjusting content in a document, the document publishing system receives a user request to change the page framework associated with a given page of a document (200). The user request may be of the form of a page property change (such as a change to the page size) or may specify a change to a particular framework member that is to be relocated.”)

Further, Gartland discloses modifying at least a portion of the formatting variables based upon the user data and based upon optimized readability formatting values corresponding to the portion of the plurality of formatting variables inasmuch as Gartland teaches modifying document format based on the user data and optimized formatting values are inherent in the repositioning taught by Gartland. (Gartland, col. 4, lines 48-55: “[T]he system adjusts the page to conform to the new user requested page configuration, which may include a change of page size, margin location, or column size or position. Accordingly, each page framework member may be relocated to a new position on the page, or removed from the page entirely. The new page definition, in the form of page framework members, is stored for use in manipulating content objects on the redefined page (206).”)

Regarding **independent claim 12**, Gartland discloses a processor, a display coupled to the processor, a user interface selection device couple to the processor, and a storage device coupled to the processor comprising instructions. (Gartland, col. 9, line 65 – col. 10, line 31.)

Further, the rejection of claim 1 above is fully incorporated herein.

Regarding **independent claim 23**, it is noted that receiving a value of a display form factor variable indicative of display characteristics and modifying the display based on the form factor variable are encompassed in receiving user data specifying a value for at least one user-

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modifiable formatting variable and modifying at least a portion of the formatting variables based upon the user data.

Further, the rejection of claim 12 above is fully incorporated herein.

Regarding **independent claim 32**, Gartland discloses a plurality of formatting variables for use in formatting a document for display via a computer-based display, the plurality of formatting variables comprising at least one user-modifiable formatting variable. (Gartland, col. 3, lines 57-63, quoted above regarding claim 1.)

Further, Gartland discloses optimized formatting values corresponding to at least a portion of the plurality of formatting variables as discussed above regarding claim 1.

Further, Gartland discloses that the portion of the plurality of formatting variables is modified responsive to user data specified for the at least one user-modifiable formatting variable and based upon the optimized formatting values inasmuch as Gartland discloses realigning and repositioning document objects after receiving user input. (Gartland, col. 5, lines 12-22.)

Regarding **dependent claims 2, 13, and 24**, Gartland discloses formatting the document in accordance with the modified formatting variables. (Gartland, col. 5, lines 12-20: “After the current content for the page has been retrieved, the system computes alignment and reposition data for each content object (210). More specifically, alignment data is derived for each object by inferring alignment to framework members. Thereafter, each content object is evaluated along with the alignment data to determine (based on its edge alignments to framework members) reposition data for defining how the object should be moved and/or resized to fit on the modified (redefined) framework.”)

Further, Gartland discloses providing the document for presentation on the display. (Gartland, col. 5, lines 23-26: "After the page redefinition has been completed, the page content is repositioned on the redefined page based on the reposition data derived in step 210 (212). Thereafter the redefined page is displayed (214).")

Regarding **dependent claim 3**, Gartland discloses a computer-readable medium having stored thereon computer-executable instructions for performing the disclosed steps. (Gartland, col. 19, lines 59-64.)

Regarding **dependent claim 7**, Gartland discloses the at least one user-modifiable formatting variable comprising a display form factor variable. (Gartland, col. 4, lines 15-23: "In one embodiment, the page framework settings retrieved are page size (e.g., letter, legal, A4, for determining page edges), page orientation (tall or wide, also for determining page edges), margin width for each of the four margins (top, bottom, right, left), general column information (how many columns, how much space between columns), specific column information (position of each column's left and right side), and the position of ruler guides.")

Regarding **dependent claims 8, 19, and 28**, Gartland teaches the formatting variables comprising, among other things, top, bottom, right, and left margins. (Gartland, col. 4, lines 15-23, quoted in the preceding paragraph.)

Regarding **dependent claims 15 and 26**, Gartland discloses a desktop display device comprising the recited apparatus. (Gartland, col. 9, line 65 – col. 10, line 31.)

9. **Claims 1-2, 5-6, 12-14, 17-18, and 23-25** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,493,734 B1 to Sachs et al., issued December 10, 2002, filed October 15, 1999.

Regarding **independent claim 1**, Sachs et al. teach a method for formatting a document for presentation on a display of a computer-based device wherein the document format is controlled by a plurality of formatting variables inasmuch as Sachs et al. teach a method for allowing the user to change a display controlled by multiple parameters inherently requiring formatting variables. (Sachs et al., col. 4, line 66 – col. 5, line 14.)

Further, Sachs et al. disclose receiving user data specifying a value for at least one user-modifiable formatting variable of the plurality of formatting variables. (Sachs et al., col. 4, line 66 – col. 5, line 2: “The electronic book 10 includes a view switching feature which allows readers or users to increase or decrease the size of the font used to create page display images to suit the preferences of the readers or users.”)

Further, Sachs et al. disclose modifying at least a portion of the formatting variables based upon the user data and based upon optimized formatting values corresponding to the portion of the plurality of formatting variables inasmuch as formatting variables inherently would have been modified when the user switched views as discussed above.

Regarding **independent claim 12**, Sachs et al. inherently disclose a processor and a storage device inasmuch as the functionality described in their electronic book would have required both, and also disclose a display. (Sachs et al., col. 4, lines 34-37: “The display screen 230 provides a viewing area for the user to view the electronic reading materials retrieved from the storage devices or downloaded from the communication network.”)

Further, the rejection of claim 1 above is fully incorporated herein.

Regarding **independent claim 23**, it is noted that receiving a value of a display form factor variable indicative of display characteristics and modifying the display based on the form

factor variable are encompassed in receiving user data specifying a value for at least one user-modifiable formatting variable and modifying at least a portion of the formatting variables based upon the user data.

Further, the rejection of claim 12 above is fully incorporated herein.

Regarding **independent claim 32**, the rejection of claim 1 above is fully incorporated herein.

Regarding **dependent claims 2, 13, and 24**, Sachs et al. disclose formatting the document in accordance with the modified formatting variables and providing the document for presentation on the display. (Sachs et al., col. 4, line 66 – col. 5, line 2, quoted above regarding claim 1.)

Regarding **dependent claims 5 and 17**, Sachs et al. disclose “a view switching feature which allows readers or users to increase or decrease the size of the font used to create page display images.” (Sachs et al., col. 4, line 66 – col. 5, line 1.)

Regarding **dependent claims 6 and 18**, as noted above, Sachs et al. teach allowing users to increase or decrease font size, which inherently would have required that the value specified by the user data for the font reference variable may comprise either of a large font value and a small font value.

Regarding **dependent claims 14 and 25**, Sachs et al. teach a handheld device comprising the recited apparatus. (Sachs et al., Fig. 2.)

Claim Rejections - 35 USC § 103

10. **Claims 4, 16, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gartland.

Regarding **dependent claims 4 and 16**, Gartland discloses that the value specified by the user data for some but not any of the user-modifiable variables may comprise any one of a set of a predetermined set of variable values. (Gartland, col. 3, line 63 – col. 4, line 1: “The user request defines the changes required for the framework members to conform the page display to the user's desired output format. For instance, if the user wishes to change the orientation of the document from "Tall" to "Wide", then the position of the margins and columns will change.”; col. 4, lines 15-23: “In one embodiment, the page framework settings retrieved are page size (e.g., letter, legal, A4, for determining page edges), page orientation (tall or wide, also for determining page edges), margin width for each of the four margins (top, bottom, right, left), general column information (how many columns, how much space between columns), specific column information (position of each column's left and right side), and the position of ruler guides.”) Moreover, it would have been obvious to one of ordinary skill in the art to make the value specified by the user data for any of the user-modifiable variables may comprise any one of a set of a predetermined set of variable values because one of ordinary skill would have recognized that in some applications, such as an electronic book publication it would cost users more effort than it was worth to input specific values instead of selecting from a list of predetermined formatting choices.

Regarding **dependent claim 27**, Gartland does not disclose the value of the display form factor variable indicating a resolution of the display but it would have been obvious to one of ordinary skill in the art to do so because one of ordinary skill would have recognized that it would be desirable to use the invention with different displays that might offer different resolutions.

11. **Claims 9-11, 20-22, and 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gartland in view of Microsoft Corporation, *Microsoft Word 6.0 User's Guide* (1994), pp. 113-115 and 142-144.

Regarding **dependent claims 9, 20, and 29**, Gartland does not teach a font size variable included in the optimized readability formatting values comprising any value within a range of 10 to 18 points. However, *Microsoft Word 6.0 User's Guide* teaches font sizes within this range on page 114. Moreover, one of ordinary skill in the art would have recognized that any font smaller than 10 points may have been too small for viewers to read, and that any font larger than 18 points may have been too large to practically fit on a screen. Therefore, it would have been obvious to one of ordinary skill in the art to use a font size variable included in the optimized readability formatting values comprising any value within a range of 10 to 18 points.

Regarding **dependent claims 10, 21, and 30**, (assuming applicants intended claim 30 to depend from claim 28) Gartland does not teach a font size variable included in the optimized readability formatting values specifying either of a sans serif font or a serif font. However, *Microsoft Word 6.0 User's Guide* teaches both sans serif and serif fonts on page 121. Moreover, one of ordinary skill in the art would have recognized that a sans serif font might have looked better at some resolutions while a serif font might have looked better at other resolutions. Therefore, it would have been obvious to one of ordinary skill in the art to use a font size variable included in the optimized readability formatting values specifying either of a sans serif font or a serif font.

Regarding **dependent claims 11, 22, and 31**, (assuming applicants intended claim 31 to depend from claim 28) Gartland does not teach a value for the leading variable included in the

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optimized readability formatting value comprising any value within a range of 10 to 20 percent.

However, *Microsoft Word 6.0 User's Guide* on page 143 teaches setting line spacing at any value relative to font size. Moreover, one of ordinary skill in the art would have recognized that adjusting any formatting variable might require an adjustment in line spacing, or leading.

Therefore, it would have been obvious to one of ordinary skill in the art to have had a value for the leading variable included in the optimized readability formatting value comprising any value within a range of 10 to 20 percent.

Response to Arguments

12. Applicants argue (Remarks, pages 10-11) that Gartland stands in contrast to their amended claim 1 because it “discloses a system for repositioning a content object on a page in response to a request to change the page framework.” Thus, applicants argue that Gartland does not teach modifying formatting variables based upon readability formatting values and that “Gartland does not address readability issues.”

In response, any document layout system inherently addresses readability issues inasmuch as such a system is concerned with producing documents that users will attempt to read. Moreover, as applicants acknowledge (Remarks, page 11, lines 1-2) Gartland teaches some of the same formatting values, *e.g.*, margins, taught in the Specification. (See Specification, Tables 2 and 3.) The adjustment of formatting values and hence of a page layout taught in the portion of Gartland cited above in the rejection of claim 1 would inherently been an adjustment of readability formatting values because the disclosed values, *e.g.*, page size, margin location, or column size or position, all would have affected readability.

Similarly, applicants argue (Remarks, pages 11-12) that Sachs et al. does not teach modifying formatting variables based upon readability formatting values and that “Sachs et al. does not discuss improving readability.” Applicants further note that Sachs et al. “teaches extracting text flow information directly from the ebook source file.”

In fact, while Sachs et al. do teach the text flow extraction referred to by applicants, Sachs et al. also teach a “view switching feature” that lets users adjust parameters of how the text they are viewing is presented. (Sachs et al., col. 4, lines 66 – col. 5, line 14.) Moreover, the parameters taught by Sachs et al. – font size and the size of the display – inherently are readability formatting variables inasmuch as changing these values would have affected readability. Also, although Sachs et al. could anticipate applicants’ claims without a discussion of readability issues, it is worth noting that Sachs et al. discusses readability issues inasmuch as they state that users may wish to change the visual representations of pages they are reading according to their preferences. (Sachs et al., col. 1, lines 25-32.)

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number	Name	Issue Date	File Date	
6,547,830 B1	Mercer	4/15/03	8/13/99	See Abstract; Disclosure beginning at col. 5, line 16.
6,564,250 B1	Nguyen	5/13/03	8/21/97	See Abstract.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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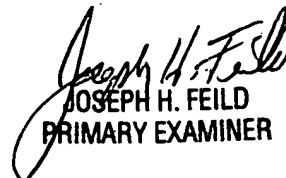
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Bieneman whose telephone number is 703-305-8045. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

CAB
June 11, 2003


JOSEPH H. FEILD
PRIMARY EXAMINER